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On January 29, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Anne Currier Carr

Anne Currier Carr (4 pages total)

PATENT
Attorney Docket No.: 020937-000620US
Client Reference No.: HARI 006USX

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JAN 29 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ELIYAHOU HARARI et al.

Application No.: 09/310,880

Filed: May 14, 1999

For: FLASH EEPROM SYSTEM

Examiner: T. Phan

Art Unit: 2818

**PETITION TO THE COMMISSIONER
UNDER 37 C.F.R. § 1.181**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Petitioner requests withdrawal of the Notice of Allowance and Issue Fee Due, due January 29, 2001, for this application so that an interference may be declared.

In this application, claims 63-75 were copied from U.S. patent 5,774,395. Claims 76-80 were copied from U.S. patent 5,828,601. The applicants notified the Patent Office of the copied claims in preliminary amendments dated May 14, 1999 and September 29, 1999. The examiner acknowledged the copied claims in an office action dated July 11, 2000. A copy of page 2 of this office action is attached. However, the examiner did not declare an interference, but has sent a Notice of Allowance and Issue Fee Due.

Since the Patent Office is not supposed to issue two patents with the same claims, the Notice of Allowance and Issue Fee Due should be withdrawn.

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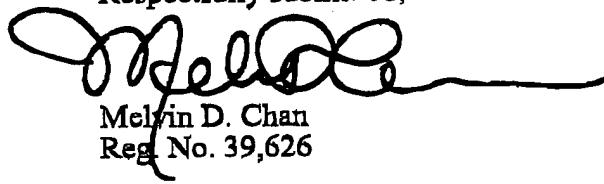
PATENT

This petition does not require a fee.

However, should the petition not be grantable under rule 181, then this petition should be treated as a petition under 37 C.F.R. § 1.313(a). The Patent Office is authorized to deduct any fees necessary to support the rule 313(a) petition from the undersigned's deposit account number 20-1430.

This petition is submitted in duplicate.

Respectfully submitted,



Melvin D. Chan
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